

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STEPHEN McCOLLOM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL ACTION NO. 3:12-CV-02037

**DEFENDANT UNIVERSITY OF TEXAS MEDICAL BRANCH'S
EMERGENCY MOTION TO QUASH DEPOSITION**

Comes now defendant, the University of Texas Medical Branch, by and through its attorney, the Attorney General for the State of Texas, and files this Emergency Motion to Quash. Defendant shows the following:

1. On May 14, 2014, Plaintiffs noticed the deposition of a 30(b)(6) witness with the most knowledge about electronically stored information. The deposition notice is attached as Exhibit A.
2. Plaintiffs noticed the deposition for May 28, 2013 [sic] at 9:00 am in Austin.
3. UTMB's witness on the subject is Mr. Bob Shaffer. Mr. Shaffer is the Director of IT at UTMB Galveston. His place of business is in Galveston.
4. Mr. Shaffer is unavailable for a deposition on May 28, 2014 in Austin at 9:00 a.m.. In addition, lead counsel Kim Coogan is unavailable for a deposition on that date.
5. Mr. Shaffer is the UTMB employee who is responsible for compiling UTMB's electronically stored information which is the subject of plaintiffs' Motion For Discovery Sanctions currently pending before this court. [D.E.164-1].
6. Further, in his position as Director of IT, Mr. Shaffer will be conducting training at UTMB Galveston during the week of June 2-6. See Exhibit B.
7. Mr. Shaffer will be on vacation the week of June 9-13. See Exhibit B.

8. Defendant has offered to make Mr. Shaffer available for deposition the week of June 16, but plaintiffs have declined this offer.
9. This filing of this Motion to Quash was delayed as the parties attempted to resolve this matter without court intervention.

WHEREFORE PREMISES CONSIDERED Defendant UTMB prays that Mr. Shaffer's deposition for May 28 be quashed, and that the deposition be rescheduled for June 17, or another date mutually convenient for the parties.

WHEREFORE PREMISES CONSIDERED, Defendant prays that Dr. Glenda Adams be deposed, if at all, in her offices in Conroe, Texas.

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

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KAREN D. MATLOCK
Assistant Attorney General
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/s/KIM COOGAN
KIM COOGAN
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**ATTORNEYS FOR DEFENDANT
UNIVERSITY OF TEXAS MEDICAL BRANCH**

CERTIFICATE OF CONFERENCE

I, KIM COOGAN, Assistant Attorney General of Texas, have conferred with opposing counsel, Sean Flammer, regarding Defendant University of Texas Medical Branch's Motion to Quash and he is opposed to this motion.

/s/ KIM COOGAN
KIM COOGAN
Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, KIM COOGAN, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of **Defendant University Of Texas Medical Branch's Emergency Motion To Quash**, in accordance with the Electronic Case Files system of the USDC – Northern District of Texas, on this the 27th day of May, 2014.

/s/ KIM COOGAN
KIM COOGAN
Assistant Attorney General

CERTIFICATE OF SERVICE

I, KIM COOGAN, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendant University Of Texas Medical Branch's Emergency Motion To Quash**, has been served by placing the same in the United States Postal Service, postage prepaid, on this the 27th day of May, 2014, addressed to:

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/s/KIM COOGAN
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